

## **APPENDIX D**

### **1.0 STORMWATER MANAGEMENT AND EROSION CONTROL<sup>1</sup>**

*(Adopted May 2003)*

#### **1.1 General**

The purpose of this regulation, to control runoff and soil erosion and sedimentation resulting from site construction and development. Second, to comply with US Environmental Protection Agency (EPA) Stormwater Management legislation for Municipal Separate Storm Sewer Systems (MS4s, as amended). **Subdivisions and site plans shall include plans for managing stormwater and controlling erosion and sedimentation as provided below.** Any errors or omissions in these regulations shall not exempt applicants from complying with applicable state and federal statutes. In the event of conflicting requirements, the stricter standard applies as stated in the Conflict and Severability and Conflicting Provisions sections of Litchfield's ordinance and regulations.

#### **1.2 Definitions**

- 1.2.1 Best Management Practice (BMP): A proven or accepted structural, non-structural, or vegetative measure the application of which reduces erosion, sediment, or peak storm discharge, or improves the quality of stormwater runoff.
- 1.2.2 Certified Soil Scientist: A person qualified in soil classification and mapping who is certified by the State of New Hampshire Board of Natural Scientists.
- 1.2.3 Critical Areas: Disturbed areas of any size within 50 feet of a stream, bog, waterbody, or poorly or very poorly drained soils; disturbed areas exceeding 2,000 square feet in highly erodible soils; or, disturbed areas containing slope lengths exceeding 25 feet on slopes greater than 10 percent.
- 1.2.4 Development: Any construction or land construction or grading activities other than for agricultural and silvicultural practices.
- 1.2.5 Disturbed Area: An area where the natural vegetation has been removed exposing the underlying soil, or vegetation has been covered.
- 1.2.6 Erosion: The detachment and movement of soil or rock fragments by water, wind, ice, or gravity.
- 1.2.7 Highly Erodible Soils: Any soil with an erodibility class (K factor) greater than or equal to 0.43 in any layer as found in Table 3-1 of the "Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire."
- 1.2.8 Project Area: The area within the subdivision or site plan boundaries
- 1.2.9 Sediment: Solid material, either mineral or organic, that is in suspension is transported or has been moved from its site of origin by erosion.
- 1.2.10 Stabilized: When the soil erosion rate approaches that of undisturbed soils. Soils which are disturbed will be considered protected when covered with a healthy, mature growth of grass

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<sup>1</sup> Adapted from NH Association of Conservation Districts Water Quality and Urban Conservation Committee, (*MODEL STORMWATER MANAGEMENT AND EROSION CONTROL REGULATION - FINAL DRAFT, February 1997*)

or a good covering of straw mulch or other equivalent (seedless) mulch (2 tons/acre). Mulch is only a temporary measure; ultimately, the site needs vegetation.

1.2.11 **Stormwater Runoff:** The water from precipitation that is not absorbed, evaporated, or otherwise stored within the contributing drainage area.

1.2.12 **Stream:** Areas of flowing water occurring for sufficient time to develop and maintain defined channels but may not flow during dry portions of the year. Includes but is not limited to all perennial and intermittent streams located on U.S. Geological Survey Maps.

### **1.3 Applicability**

1.3.1 The applicant shall submit a stormwater management and erosion control plan to the Planning Board for any tract of land being developed or subdivided, where one or more of the following conditions are proposed:

- a. A cumulative disturbed area exceeding 15,000 square feet.
- b. Construction or reconstruction of a street or road.
- c. A subdivision of more than three building lots.
- d. Disturbed critical areas. (See Definitions)

### **1.4 Minimum Requirements**

1.4.1 **The following minimum requirements apply to all projects, regardless of size.** Additional requirements may be found in this and other sections of the Site Plan Review and Subdivision regulations.

- a. Site drawing of existing and proposed conditions:
  1. Locus map showing property boundaries
  2. North arrow, scale, date
  3. Property lines
  4. Easements
  5. Structures, utilities, roads and other paved areas
  6. Topographic contours
  7. Critical areas
  8. Surface water and wetlands, drainage patterns, and watershed boundaries
  9. Vegetation
- b. Soils information for design purposes or for determining highly erodible soils shall be determined from a National Cooperative Soil Survey (NCSS) soil series map. A High Intensity Soil Map of the site, prepared in accordance with the Society of Soil Scientists of Northern New England (SSSNNE) Special Publication No. 1, can only be used for design purposes and not for determining highly erodible soils.
- c. Temporary and permanent stormwater management and erosion and sediment control BMPs
- d. Areas and timing of soil disturbance
- e. A schedule for the inspection and maintenance of all BMPs

- 1.4.2 Narrative section including discussion of each measure, its purpose, construction sequence, and installation timing as they apply to the site.

**1.5      *Design Standards***

- 1.5.1 The following standards shall be applied in planning for stormwater management and erosion control: Additional requirements may be found in this and other sections of the Site Plan Review and Subdivision regulations.

- a. All measures in the plan shall meet as a minimum the Best Management Practices set forth in the “Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire,” Rockingham County Conservation District, NH Department of Environmental Services, Soil Conservation Service (now the Natural Resources Conservation Service), August 1992, as amended, a copy of which is available in the planning board office.

Additional BMP’s are available at the following locations:

1. <http://www.des.state.nh.us/factsheets/wqe/wqe-6.htm> - NHDES Environmental Fact Sheet WD-WQE-6, (*Soil Erosion and Sediment control on Construction Sites, 1996*)
  2. <http://cfpub.epa.gov/npdes/stormwater/menuofbmps/menu.cfm> - EPA National Pollution Discharge Elimination System, (NPDES) (*Stormwater Menu of Best Management Practices (BMPs)*).
  3. [http://cfpub.epa.gov/npdes/stormwater/menuofbmps/con\\_site.cfm](http://cfpub.epa.gov/npdes/stormwater/menuofbmps/con_site.cfm) -EPA NPDES (Construction Site Stormwater Runoff Control).
- b. Whenever practical, natural vegetation shall be retained, protected or supplemented. The stripping of vegetation shall be done in a manner that minimizes soil erosion.
- c. Appropriate erosion and sediment control measures shall be installed prior to soil disturbance.
- d. The area of disturbance shall be kept to a minimum. Disturbed areas remaining idle for more than 30 days shall be stabilized.
- e. Measures shall be taken to control erosion within the project area. Sediment in runoff water shall be trapped and retained within the project area using approved measures. Wetland areas and surface waters shall be protected from sediment.
- f. Off-site surface water and runoff from undisturbed areas shall be diverted away from disturbed areas where feasible or carried non-erosively through the project area. Integrity of downstream drainage systems shall be maintained.
- g. Measures shall be taken to control the post-development peak rate of runoff so that it does not exceed pre-development runoff for the 2-year, 24-hour storm event and for additional storm event frequencies as specified in the design criteria of the “Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire.”
- h. Priority should be given to preserving natural drainage systems including perennial and intermittent streams, wetlands, swales, and drainage ditches for conveyance of runoff leaving the project area.

- i. All temporary erosion and sediment control measures shall be removed after final site stabilization. Trapped sediment and other disturbed soil areas resulting from the removal of temporary measures shall be permanently stabilized within 30 days unless conditions dictate otherwise.

**1.6 Completed Application Requirements**

1.6.1 The Planning Board shall require each of the following in the final plan unless the project is deemed of sufficiently minimal impact to qualify for the minimum requirements specified in Section 1.4 of this regulation.

1.6.2 Construction drawings

- a. Existing and proposed conditions:
  - 1. Locus map showing property boundaries
  - 2. North arrow, scale, date
  - 3. Property lines
  - 4. Structures, roads, utilities, earth stockpiles, equipment storage, and plan for stump and debris removal
  - 5. Topographic contours at two-foot intervals
  - 6. Critical areas, stockpile and staging areas and snow storage areas
  - 7. Within the project area and within 400 feet of project boundary surface waters, wetlands, and drainage patterns and watershed boundaries
  - 8. Vegetation
  - 9. Extent of 100-year flood plain boundaries if published or determined
  - 10. Soils information for design purposes from a National Cooperative Soil Survey (NCSS) soil series map or a High Intensity Soil Map of the site, prepared in accordance with SSSNNE Special Publication No. 1. Highly erodible soils shall be determined by soil series.
  - 11. Easements
  - 12. Areas of soil disturbance
  - 13. Areas of cut and fill
  - 14. Areas of poorly or very poorly drained soils including any portion to be disturbed or filled
  - 15. Location of all structural, non-structural, and vegetative stormwater management and erosion control BMPs
  - 16. Identification of all permanent control BMPs
  - 17. Tabulated sequence of construction
- b. Other plan requirements:
  - 1. Construction schedule
  - 2. Earth movement schedule
  - 3. A proposed schedule for the inspection and maintenance of all BMPs
  - 4. Description of temporary and permanent vegetative BMPs including seeding specifications
  - 5. Description of all structural and non-structural BMPs with detailed drawings of each as appropriate

1.6.3 Report section including:

- a. Design calculations for all temporary and permanent structural control BMP measures
- b. A proposed schedule for the inspection and maintenance of all BMPs
- c. Identification of all permanent control measures and responsibility for continued maintenance

- d. Drainage report with calculations showing volume, peak discharge, and velocity of present and future runoff
- e. When detention structures are planned to reduce future condition peak discharge, the soil cover complex method shall be used to compute the runoff volume and peak discharge for designing the structure. The design will conform to the criteria outlined for those types of structures given in the “Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire”.

**1.7      *Responsibility For Installation/Construction***

- 1.7.1      The applicant shall bear final responsibility for the installation, construction, inspection and disposition of all stormwater management and erosion control measures required by the provisions of this regulation.
- 1.7.2      The Planning Board shall require a bond or other security in an amount and with surety conditions satisfactory to the Board, providing for the actual construction and installation of such measures within a period specified by the Planning Board and expressed in the bond or the surety
- 1.7.3      Site development shall not begin before the stormwater management and erosion control plan receives conditional approval. Best Management Practices shall be installed as designed and scheduled as a condition of final approval of the plan.

**1.8      *Plan Approval And Review***

- 1.8.1      The Planning Board shall indicate approval of the stormwater management and erosion control plan, as filed, if it complies with the requirements and objectives of this regulation. Such approval shall be a component of subdivision or site plan approval. If disapproved, a list of plan deficiencies and the procedure for filing a revised plan will be given to the applicant.
- 1.8.2      Technical review of any stormwater management and erosion control plan prepared under this regulation shall be reviewed by the Hillsborough County Conservation District or other qualified professional consultant, as determined to be appropriate by the planning board, at the expense of the applicant.

**1.9      *Maintenance And Inspection***

- 1.9.1      A narrative description of on-going maintenance requirements for water quality measures required by stormwater management and erosion and sediment control plans after final planning board approval shall be recorded on the deed to the property on which such measures are located. The narrative shall be in the form of a typical site plan management, development agreement or as otherwise set forth by the planning board. The description so prepared shall comply with the requirements of RSA 478:4-a, as detailed below.

“I. The register of deeds shall not accept a deed or instrument for filing and recording unless it recites the following information:

- (a) The latest mailing address of the grantees named in the deed or instrument;
- (b) In the first sentence of the first description paragraph, the names of all municipalities in which the property is located;
- (c) The name of each person signing the deed or instrument as a party to the transaction printed or typewritten under the signature.

II. All documents shall be suitable for reproduction as determined by the register of deeds, who shall provide document standards as amended and adopted by the New Hampshire registers of deeds. The

standards and any amendments thereto shall include a statement of their effective date, and shall be posted in and distributed by all registries of deeds for at least 60 days prior to such effective date.”

- 1.9.2 The purpose of this article is to enact locally the administrative and enforcement procedures set forth in RSA 676 of the existing planning and land use statutes.
- 1.9.3 RSA 676 authorizes the following penalties and remedies for enforcement of the provisions of this regulation:
- a. Injunctive relief in accordance with RSA 676:15;
  - b. Fines and penalties in accordance with RSA 676:17;
  - c. Issuance of a cease and desist order in accordance with RSA 676:17-a;
  - d. Pleas by mail for local land use citations in accordance with RSA 676:17-b.
- 1.9.4 The planning board may require inspections to verify on-going maintenance of water quality protection measures. Such inspections shall be performed by the Board of Selectmen or their designee at reasonable times to the landowner.
- 1.9.5 If permission to inspect is denied by the landowner, the Board of Selectmen or their designee shall secure an administrative inspection warrant from the district or superior court under RSA 595-B.
- 1.9.6 The Planning Board shall require a fee for inspections of water quality protection measures. See Appendix F, *Planning Board Fee Schedule for Subdivisions, Site Plans, Sign Permits and Plan Recording*, found in Litchfield’s Subdivision Review Regulations. The owner of the property or site plan operator shall be responsible for fee payment on and into the future on an annual basis. Fee payments for site plans, regardless of approval date, shall be due on or before December 31 to cover inspections for the following year. A schedule of fees shall be adopted by the Planning Board, which represents the cost of performing routine inspections of various types of water quality protection measures. Inspections shall be performed by an inspector(s)/consultant(s) knowledgeable in water quality, storm water and erosion control devices and their maintenance. The procedure for adoption of the fee schedule shall be as provided for in RSA 676:4(I)(g), as detailed below.

“Reasonable fees in addition to fees for notice under subparagraph (d) may be imposed by the board to cover its administrative expenses and costs of special investigative studies, review of documents and other matters which may be required by particular applications.”

#### **1.10 Other Required Permits**

In addition to local approval, the following shall be required if applicable:

- a. RSA 485-A:17 requires a permit from the New Hampshire Water Supply and Pollution Control Division for “...any person proposing to significantly alter the characteristic of the terrain, in such a manner as to impede natural runoff or create an unnatural runoff ...”. Regulations require this permit for any project involving more than 100,000 contiguous square feet of disturbance or if such activity occurs in or on the border of the surface waters of the state.
- b. **National Pollutant Discharge Elimination System (NPDES) Stormwater Discharge Permit.** A permit issued by the EPA or by the State under authority delegated pursuant to 33 USC, section 1342 (b) that authorizes the discharge of pollutants to waters of the United States.

- c. For a cumulative disturbance of one acre of land that EPA considers “construction activity”, which includes, but is not limited to clearing, grading, excavation and other activities that expose soil typically related to landscaping, demolition and construction of structures and roads, a federal permit will be required. Consult EPA for specific rules. This EPA permit is in addition to any state or local permit required. To apply, the entity or individual responsible for construction site operations shall file a Notice of Intent (NOI) with the EPA postmarked at least 24 hours prior to work beginning. EPA will respond within two weeks with a written permit, provided the NOI meets their criteria. A sample NOI is provided in Attachment 3 at the end of this section.

## **1.11      *Enforcement***

1.11.1 Any violation of the requirements of this regulation shall be subject to the enforcement procedures detailed in RSA 676. The Board of Selectmen or their designee shall be responsible for enforcement of the provisions of this regulation.

1.11.2 Written Notice of Violation. A written notice of violation shall be issued to the property owner by registered mail from the Board of Selectmen or their designee if the agent determines that conditions at the site are in violation of any of the requirements of this regulation or plans approved under this regulation and that the violation is not an immediate threat to public health and safety. The notice of violation shall:

- a. Specify the actions or conditions which violate the requirements of this regulation or plans approved under this regulation;
- b. Identify what needs to be done to correct the violation(s);
- c. Specify a reasonable time frame within which the violation will be corrected;
- d. Be provided to the property owner with a copy to be kept in the official records of the (local land use board or local administrator).

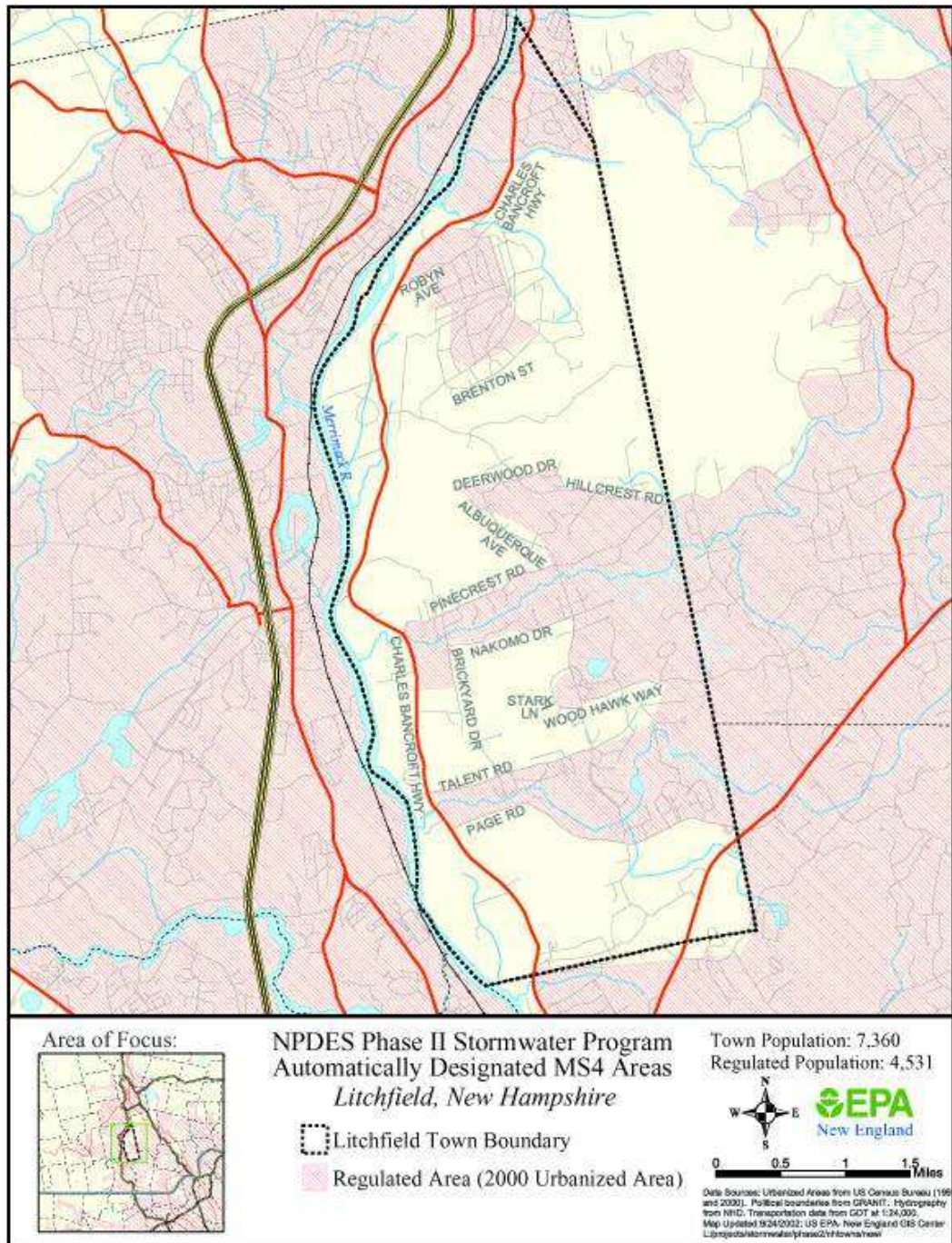
1.11.3 Cease and Desist Order. **In accordance with NH RSA 676:17-a, *Cease and Desist Orders*.** A cease and desist order may be issued to the property owner by the Board of Selectmen or their designee if the agent determines that conditions at the site are in violation of any of the requirements of this regulation and the violation is either:

- a. An immediate threat to public health and safety; or
- b. The property owner has failed to take corrective action(s) identified in a written notice of violation issued under Section 1.11.2 of this regulation within the time frame specified therein.

## **1.12      *Mandatory Regulated MS4s in Urbanized Areas - Map***

Municipal Separate Storm Sewer Systems (MS4s) within “urbanized areas” (UA), as defined by the Bureau of Census, fall under mandatory regulation under EPA Phase II Stormwater Management regulations. Within the UA’s, all roads and streets and associated drainage systems, both open and closed fall under regulation. Map 1 depicts the two (2) urbanized areas in Litchfield. The northern area is within the Manchester UA and the southern area is within the Nashua UA. All land in Litchfield shall comply with this regulation.

**Map 1: Litchfield “Urbanized Areas”**





**1.13      Certification Of Adoption:**

1. We, the undersigned do hereby attest that this amendment to the (Subdivision regulations, section 155.0/Site Plan Review regulations, Appendix D, Section 1.0) was adopted by a majority vote of the Litchfield Planning Board at their duly noticed public meeting on:

Date \_\_\_\_\_

Chairperson, Planning Board \_\_\_\_\_

Member, Planning Board \_\_\_\_\_

Member, Planning Board \_\_\_\_\_

Member, Planning Board \_\_\_\_\_

Member, Planning Board \_\_\_\_\_

Member, Planning Board \_\_\_\_\_

Ex-Officio Member, Planning Board \_\_\_\_\_

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2. This regulation was recorded with the Litchfield Town Clerk on: Date \_\_\_\_\_.
3. A summary of this regulation was published in \_\_\_\_\_ (local newspaper) on \_\_\_\_\_ (date), with a notice of where the ordinance was posted in Town.
4. This regulation was posted at \_\_\_\_\_ and \_\_\_\_\_ (two Public Places) as of \_\_\_\_\_ (date).

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**Town Clerk**

5. Effective Date: \_\_\_\_\_

Signature (Town Clerk) \_\_\_\_\_

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**ATTACHMENT 1**

**SAMPLE FORM**

***WRITTEN NOTICE OF VIOLATION***

Dear Property Owner: \_\_\_\_\_

You are hereby informed that based on an inspection performed by the local administrator on \_\_\_\_\_(Date), your property does not meet the requirements of the Town of Litchfield Site Plan Review regulations (Section 155.0) / Subdivision regulations (Appendix D, Section 1,0) or plans approved thereunder. You are hereby served written notice and instructed to correct the violations listed below:

A copy of the inspection report, which details the nature of the violation at hand, is enclosed.

The notice of violation shall:

- a. 10.2.1 Specify the actions or conditions which violate the requirements of this regulation or plans approved under this regulation;
- b. Identify what needs to be done to correct the violation(s);
- c. Specify a reasonable time frame within which the violation will be corrected;
- d. Be provided to the property owner with a copy to be kept in the official records of the (local land use board or local administrator).

Sincerely, \_\_\_\_\_

Litchfield Code Enforcement Officer

***VIOLATIONS:***

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*Please see attached details of violation(s) if necessary.*

**ATTACHMENT 2**

**SAMPLE FORM**

**CEASE AND DESIST ORDER**

**In accordance with NH RSA 676:17-a, *Cease and Desist Orders*.**

Dear Property Owner: \_\_\_\_\_

You are hereby notified that based upon an inspection performed by the local administrator on \_\_\_\_\_ (Date), your property is in violation of the Town of Litchfield Site Plan Review regulations (Section 155.0) / Subdivision regulations (Appendix D, Section 1.0) or plans approved thereunder. A copy of the inspection report that provides details about the nature of the violation is enclosed for your records. (If an inspection form is not used, the letter must describe the facts constituting the violation.)

You are also notified that you are required to take the corrective action(s) listed below within \_\_\_\_\_ working days of receipt of this order, unless an answer is filed with the District Court specifically denying such facts in this order as are in dispute.

If no answer is filed within 20 days, the local administrator may make a motion to the court for enforcement of this order. If the order is sustained following trial, the Court shall enter judgment and fix a time within which the corrective action shall be taken. If the judgment is not complied with within the prescribed time, the local governing body is authorized to take the corrective action. The municipality's cost to take that action and other expenses, including legal fees, will then become a lien against the real estate, collectable in the same manner as local property taxes. This includes loss of the property if not paid.

The violation(s) of the Town of Litchfield (Site Plan Review regulations, section 155.0/Subdivision regulations, Appendix D, section 1.0) or plans approved thereunder, and corrective action(s) required:

Please contact me at \_\_\_\_\_ if you have any questions regarding this order or how to comply with the corrective actions required by it.


Sincerely, \_\_\_\_\_

Litchfield Board of Selectmen or  
Code Enforcement Officer

**LITCHFIELD LAND USE LAWS AND REGULATIONS**  
**APPENDIX D**

**ATTACHMENT 3**

**SAMPLE FORM**

THIS FORM REPLACES PREVIOUS FORM 3510-6 (8-98) See Reverse for Instructions		Form Approved. CMB No. 2040-0188
<b>NPDES FORM</b>		United States Environmental Protection Agency Washington, DC 20460 <b>Notice of Intent (NOI) for Storm Water Discharges Associated with CONSTRUCTION ACTIVITY Under a NPDES General Permit</b>
<small>Submission of this Notice of Intent constitutes notice that the party identified in Section I of this form intends to be authorized by a NPDES permit issued for storm water discharges associated with construction activity in the State/Indian Country Land identified in Section II of this form. Submission of this Notice of Intent also constitutes notice that the party identified in Section I of this form meets the eligibility requirements in Part I.B. of the general permit (including those related to protection of endangered species determined through the procedures in Addendum A of the general permit), understands that continued authorization to discharge is contingent on maintaining permit eligibility, and that implementation of the Storm Water Pollution Prevention Plan required under Part IV of the general permit will begin at the time the permittee commences work on the construction project identified in Section II below. IN ORDER TO OBTAIN AUTHORIZATION, ALL INFORMATION REQUESTED MUST BE INCLUDED ON THIS FORM. SEE INSTRUCTIONS ON BACK OF FORM.</small>		
<b>I. Owner/Operator (Applicant) Information</b>		
Name: _____ Phone: _____		Status of Owner/Operator: <input type="checkbox"/>
Address: _____		
City: _____ State: ____ Zip Code: _____		
<b>II. Project/Site Information</b>		
Project Name: _____		Is the facility located on Indian Country Lands? Yes <input type="checkbox"/> No <input type="checkbox"/>
Project Address/Location: _____		
City: _____ State: ____ Zip Code: _____		
Latitude: _____ Longitude: _____ County: _____		
Has the Storm Water Pollution Prevention Plan (SWPPP) been prepared? Yes <input type="checkbox"/> No <input type="checkbox"/>		
Optional: Address of location of SWPPP for viewing <input type="checkbox"/> Address in Section I above <input type="checkbox"/> Address in Section II above <input type="checkbox"/> Other address (if known) below:		
SWPPP Address: _____		Phone: _____
City: _____ State: ____ Zip Code: _____		
Name of Receiving Water: _____		
_____ Month Day Year		_____ Month Day Year
Estimated Construction Start Date		Estimated Completion Date
Estimate of area to be disturbed (to nearest acre): _____		
Estimate of Likelihood of Discharge (choose only one):		
1. <input type="checkbox"/> Unlikely      3. <input type="checkbox"/> Once per week      5. <input type="checkbox"/> Continual		
2. <input type="checkbox"/> Once per month      4. <input type="checkbox"/> Once per day		
		Based on instruction provided in Addendum A of the permit, are there any listed endangered or threatened species, or designated critical habitat in the project area? Yes <input type="checkbox"/> No <input type="checkbox"/>
		I have satisfied permit eligibility with regard to protection of endangered species through the indicated section of Part I.B.3.e.(2) of the permit (check one or more boxes): (a) <input type="checkbox"/> (b) <input type="checkbox"/> (c) <input type="checkbox"/> (d) <input type="checkbox"/>
<b>III. Certification</b>		
<small>I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage this system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.</small>		
Print Name: _____		Date: _____
Signature: _____		

**LITCHFIELD LAND USE LAWS AND REGULATIONS**  
**APPENDIX D**

<b>Instructions – EPA Form 3510-9</b> <span style="float: right;">Form Approved. OMB No. 2040-0188</span>			
<b>Notice of Intent (NOI) for Storm Water Discharges Associated with Construction Activity to be Covered Under a NPDES Permit</b>			
<p><b>Who Must File a Notice of Intent Form</b></p> <p>Under the provisions of the Clean Water Act, as amended, (33 U.S.C. 1251 et seq.; the Act), except as provided by Part I.B.3 the permit, Federal law prohibits discharges of pollutants in storm water from construction activities without a National Pollutant Discharge Elimination System Permit. Operator(s) of construction sites where 5 or more acres are disturbed, smaller sites that are part of a larger common plan of development or sale where there is a cumulative disturbance of at least 5 acres, or any site designated by the Director, must submit an NOI to obtain coverage under an NPDES Storm Water Construction General Permit. <u>If you have questions about whether you need a permit under the NPDES Storm Water program, or if you need information as to whether a particular program is administered by EPA or a State agency, write to or telephone the Notice of Intent Processing Center at (866) 352-7755.</u></p> <p><b>Where to File NOI Form</b></p> <table style="width: 100%; border: none;"><tr><td style="width: 50%; vertical-align: top;"><b>NOIs sent regular mail:</b> Storm Water Notice of Intent (4203M) USEPA 1200 Pennsylvania Avenue, NW Washington, D.C. 20460</td><td style="width: 50%; vertical-align: top;"><b>NOIs sent overnight/express:</b> Storm Water Notice of Intent US EPA East Building, Rm. 7420 1201 Constitution Avenue, NW Washington, D.C. 20004</td></tr></table> <p>Storm Water Pollution Prevention Plans (SWPPPs) should not be sent in with the NOI -- they should remain on-site. For overnight/express delivery of NOIs, add the phone number (202) 564-9545. Please submit original document with signature in ink—DO NOT send copies.</p> <p><b>When to File</b></p> <p>This form must be filed at least 48 hours before construction begins.</p> <p><b>Completing the Form</b></p> <p>OBTAIN AND READ A COPY OF THE APPROPRIATE EPA STORM WATER CONSTRUCTION GENERAL PERMIT FOR YOUR AREA. To complete this form, type or print, using uppercase letters, in the appropriate areas only. Please place each character between the marks (abbreviate if necessary to stay within the number of characters allowed for each item). Use one space for breaks between words, but not for punctuation marks unless they are needed to clarify your response. If you have any questions on this form, call the Notice of Intent Processing Center at (866) 352-7755.</p> <p><b>Section I. Facility Owner/Operator (Applicant) Information</b></p> <p>Provide the legal name, mailing address, and telephone number of the person, firm, public organization, or any other entity that meet either of the following two criteria: (1) they have operational control over construction plans and specifications, including the ability to make modifications to those plans and specifications; or (2) they have the day-to-day operational control of those activities at the project necessary to ensure compliance with SWPPP requirements or other permit conditions. Each person that meets either of these criteria must file this form. Do not use a colloquial name. Correspondence for the permit will be sent to this address.</p> <p>Enter the appropriate letter to indicate the legal status of the owner/operator of the project: F = Federal; S = State; M = Public (other than federal or state); P = Private.</p> <p><b>Section II. Project/Site Information</b></p> <p>Enter the official or legal name and complete street address, including city, county, state, zip code, and phone number of the project or site. If it lacks a street address, indicate with a general statement the location of the site (e.g., Intersection of State Highways 61 and 34). Complete site information must be provided for permit coverage to be granted.</p> <p>The applicant must also provide the latitude and longitude of the facility in degrees, minutes, and seconds to the nearest 15 seconds. The latitude and longitude of your facility can be located on USGS quadrangle maps. Quadrangle maps can be obtained by calling 1-800-USA-MAPS. Longitude and latitude may also be obtained at the Census Bureau Internet site: <a href="http://www.census.gov/cgibin/gazetteer">http://www.census.gov/cgibin/gazetteer</a>.</p> <p>Latitude and longitude for a facility in decimal form must be converted to degrees, minutes and seconds for proper entry on the NOI form. To convert decimal latitude or longitude to degrees, minutes, and seconds, follow the steps in the following example.</p>	<b>NOIs sent regular mail:</b> Storm Water Notice of Intent (4203M) USEPA 1200 Pennsylvania Avenue, NW Washington, D.C. 20460	<b>NOIs sent overnight/express:</b> Storm Water Notice of Intent US EPA East Building, Rm. 7420 1201 Constitution Avenue, NW Washington, D.C. 20004	<p>Convert decimal latitude 45.1234567 to degrees, minutes, and seconds.</p> <ol style="list-style-type: none"><li>1) The numbers to the left of the decimal point are degrees.</li><li>2) To obtain minutes, multiply the first four numbers to the right of the decimal point by 0.006. <math>1234 \times .006 = 7.404</math>.</li><li>3) The numbers to the left of the decimal point in the result obtained in step 2 are the minutes: 7.</li><li>4) To obtain seconds, multiply the remaining three numbers to the right of the decimal from the result in step 2 by 0.06: <math>404 \times 0.06 = 24.24</math>. Since the numbers to the right of the decimal point are not used, the result is 24.</li><li>5) The conversion for 45.1234 = 45° 7' 24".</li></ol> <p>Indicate whether the project is on Indian Country Lands.</p> <p>Indicate if the Storm Water Pollution Prevention Plan (SWPPP) has been developed. Refer to Part IV of the general permit for information on SWPPPs. To be eligible for coverage, a SWPPP must have been prepared.</p> <p>Optional: Provide the address and phone number where the SWPPP can be viewed if different from addresses previously given. Check appropriate box.</p> <p>Enter the name of the closest water body which receives the project's construction storm water discharge.</p> <p>Enter the estimated construction start and completion dates using four digits for the year (i.e. 06/27/1998).</p> <p>Enter the estimated area to be disturbed including but not limited to: grubbing, excavation, grading, and utilities and infrastructure installation. Indicate to the nearest acre; if less than 1 acre, enter "1." Note: 1 acre = 43,560 sq. ft.</p> <p>Indicate your best estimate of the likelihood of storm water discharges from the project. EPA recognizes that actual discharges may differ from this estimate due to unforeseen or chance circumstances.</p> <p>Indicate if there are any listed endangered or threatened species, or designated critical habitat in the project area.</p> <p>Indicate which Part of the permit that the applicant is eligible with regard to protection of endangered or threatened species, or designated critical habitat.</p> <p><b>Section III. Certification</b></p> <p>Federal Statutes provide for severe penalties for submitting false information on this application form. Federal regulations require this application to be signed as follows:</p> <p>For a corporation: by a responsible corporate officer, which means: (i) president, secretary, treasurer, or vice president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision making functions, or (ii) the manager of one or more manufacturing, production, or operating facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25 million (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;</p> <p>For a partnership or sole proprietorship: by a general partner of the proprietor, or</p> <p>For a municipality, state, federal, or other public facility: by either a principal executive or ranking elected official. An unsigned or undated NOI form will not be granted permit coverage.</p> <p><b>Paperwork Reduction Act Notice</b></p> <p>Public reporting burden for this application is estimated to average 3.7 hours. This estimate includes time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. Send comments regarding the burden estimate, any other aspect of the collection of information, or suggestions for improving this form, including any suggestions which may increase or reduce this burden to: Director, OPPE Regulatory Information Division (2137), U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue, NW, Washington, D.C. 20460. Include the OMB control number on any correspondence. Do not send the completed form to this address.</p>
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